

Adopted

Rejected

COMMITTEE REPORT

YES: 22
NO: 2

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 448, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 and local administration.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-35-7-12, AS AMENDED BY P.L.146-2008,
- 7 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JANUARY 1, 2009 (RETROACTIVE)]: Sec. 12. (a) The Indiana horse
- 9 racing commission shall enforce the requirements of this section.
- 10 (b) Except as provided in subsections (j) and (k), a licensee shall
- 11 before the fifteenth day of each month devote to the gaming integrity
- 12 fund, horse racing purses, and to horsemen's associations an amount
- 13 equal to fifteen percent (15%) of the adjusted gross receipts of the slot
- 14 machine wagering from the previous month at the licensee's racetrack.
- 15 The Indiana horse racing commission may not use any of this money
- 16 for any administrative purpose or other purpose of the Indiana horse

1 racing commission, and the entire amount of the money shall be
 2 distributed as provided in this section. A licensee shall pay the first two
 3 hundred fifty thousand dollars (\$250,000) distributed under this section
 4 in a state fiscal year to the commission for deposit in the gaming
 5 integrity fund established by IC 4-35-8.7-3. After this money has been
 6 distributed to the commission, a licensee shall distribute the remaining
 7 money devoted to horse racing purses and to horsemen's associations
 8 under this subsection as follows:

9 (1) Five-tenths percent (0.5%) shall be transferred to horsemen's
 10 associations for equine promotion or welfare according to the
 11 ratios specified in subsection (e).

12 (2) Two and five-tenths percent (2.5%) shall be transferred to
 13 horsemen's associations for backside benevolence according to
 14 the ratios specified in subsection (e).

15 (3) Ninety-seven percent (97%) shall be distributed to promote
 16 horses and horse racing as provided in subsection (d).

17 (c) A horsemen's association shall expend the amounts distributed
 18 to the horsemen's association under subsection (b)(1) through (b)(2) for
 19 a purpose promoting the equine industry or equine welfare or for a
 20 benevolent purpose that the horsemen's association determines is in the
 21 best interests of horse racing in Indiana for the breed represented by the
 22 horsemen's association. Expenditures under this subsection are subject
 23 to the regulatory requirements of subsection (f).

24 (d) A licensee shall distribute the amounts described in subsection
 25 (b)(3) as follows:

26 (1) Forty-six percent (46%) for thoroughbred purposes as follows:

27 (A) ~~Sixty~~ **Forty** percent (~~60%~~) (**40%**) for the following
 28 purposes:

29 (i) Ninety-seven percent (97%) for thoroughbred purses.

30 (ii) Two and four-tenths percent (2.4%) to the horsemen's
 31 association representing thoroughbred owners and trainers.

32 (iii) Six-tenths percent (0.6%) to the horsemen's association
 33 representing thoroughbred owners and breeders.

34 (B) ~~Forty~~ **Sixty** percent (~~40%~~) (**60%**) to the breed
 35 development fund established for thoroughbreds under
 36 IC 4-31-11-10.

37 (2) Forty-six percent (46%) for standardbred purposes as follows:

38 (A) Fifty percent (50%) for the following purposes:

- 1 (i) Ninety-six and five-tenths percent (96.5%) for
2 standardbred purses.
- 3 (ii) Three and five-tenths percent (3.5%) to the horsemen's
4 association representing standardbred owners and trainers.
- 5 (B) Fifty percent (50%) to the breed development fund
6 established for standardbreds under IC 4-31-11-10.
- 7 (3) Eight percent (8%) for quarter horse purposes as follows:
8 (A) Seventy percent (70%) for the following purposes:
9 (i) Ninety-five percent (95%) for quarter horse purses.
10 (ii) Five percent (5%) to the horsemen's association
11 representing quarter horse owners and trainers.
- 12 (B) Thirty percent (30%) to the breed development fund
13 established for quarter horses under IC 4-31-11-10.
- 14 Expenditures under this subsection are subject to the regulatory
15 requirements of subsection (f).
- 16 (e) Money distributed under subsection (b)(1) and (b)(2) shall be
17 allocated as follows:
18 (1) Forty-six percent (46%) to the horsemen's association
19 representing thoroughbred owners and trainers.
20 (2) Forty-six percent (46%) to the horsemen's association
21 representing standardbred owners and trainers.
22 (3) Eight percent (8%) to the horsemen's association representing
23 quarter horse owners and trainers.
- 24 (f) Money distributed under this section may not be expended unless
25 the expenditure is for a purpose authorized in this section and is either
26 for a purpose promoting the equine industry or equine welfare or is for
27 a benevolent purpose that is in the best interests of horse racing in
28 Indiana or the necessary expenditures for the operations of the
29 horsemen's association required to implement and fulfill the purposes
30 of this section. The Indiana horse racing commission may review any
31 expenditure of money distributed under this section to ensure that the
32 requirements of this section are satisfied. The Indiana horse racing
33 commission shall adopt rules concerning the review and oversight of
34 money distributed under this section and shall adopt rules concerning
35 the enforcement of this section. The following apply to a horsemen's
36 association receiving a distribution of money under this section:
37 (1) The horsemen's association must annually file a report with
38 the Indiana horse racing commission concerning the use of the

1 money by the horsemen's association. The report must include
2 information as required by the commission.

3 (2) The horsemen's association must register with the Indiana
4 horse racing commission.

5 (g) The commission shall provide the Indiana horse racing
6 commission with the information necessary to enforce this section.

7 (h) The Indiana horse racing commission shall investigate any
8 complaint that a licensee has failed to comply with the horse racing
9 purse requirements set forth in this section. If, after notice and a
10 hearing, the Indiana horse racing commission finds that a licensee has
11 failed to comply with the purse requirements set forth in this section,
12 the Indiana horse racing commission may:

13 (1) issue a warning to the licensee;

14 (2) impose a civil penalty that may not exceed one million dollars
15 (\$1,000,000); or

16 (3) suspend a meeting permit issued under IC 4-31-5 to conduct
17 a pari-mutuel wagering horse racing meeting in Indiana.

18 (i) A civil penalty collected under this section must be deposited in
19 the state general fund.

20 (j) For a state fiscal year beginning after June 30, 2008, and ending
21 before July 1, 2009, the amount of money dedicated to the purposes
22 described in subsection (b) for a particular state fiscal year is equal to
23 the lesser of:

24 (1) fifteen percent (15%) of the licensee's adjusted gross receipts
25 for the state fiscal year; or

26 (2) eighty-five million dollars (\$85,000,000).

27 If fifteen percent (15%) of a licensee's adjusted gross receipts for the
28 state fiscal year exceeds the amount specified in subdivision (2), the
29 licensee shall transfer the amount of the excess to the commission for
30 deposit in the state general fund. The licensee shall adjust the transfers
31 required under this section in the final month of the state fiscal year to
32 comply with the requirements of this subsection.

33 (k) For a state fiscal year beginning after June 30, 2009, the amount
34 of money dedicated to the purposes described in subsection (b) for a
35 particular state fiscal year is equal to the lesser of:

36 (1) fifteen percent (15%) of the licensee's adjusted gross receipts
37 for the state fiscal year; or

38 (2) the amount dedicated to the purposes described in subsection

(b) in the previous state fiscal year increased by a percentage that does not exceed the percent of increase in the United States Department of Labor Consumer Price Index during the year preceding the year in which an increase is established.

If fifteen percent (15%) of a licensee's adjusted gross receipts for the state fiscal year exceeds the amount specified in subdivision (2), the licensee shall transfer the amount of the excess to the commission for deposit in the state general fund. The licensee shall adjust the transfers required under this section in the final month of the state fiscal year to comply with the requirements of this subsection."

Page 3, after line 33, begin a new paragraph and insert:

"SECTION 3. IC 6-2.5-5-8, AS AMENDED BY P.L.224-2007, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 8. (a) As used in this section, "new motor vehicle" has the meaning set forth in IC 9-13-2-111.

(b) Transactions involving tangible personal property other than a new motor vehicle are exempt from the state gross retail tax if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of the person's business without changing the form of the property.

(c) The following transactions involving a new motor vehicle are exempt from the state gross retail tax:

(1) A transaction in which a person that has a franchise in effect at the time of the transaction for the vehicle trade name, trade or service mark, or related characteristics acquires a new motor vehicle for resale, rental, or leasing in the ordinary course of the person's business.

(2) A transaction in which a person that is a franchisee appointed by a manufacturer or converter manufacturer licensed under IC 9-23 acquires a new motor vehicle that has at least one (1) trade name, service mark, or related characteristic as a result of modification or further manufacture by the manufacturer or converter manufacturer for resale, rental, or leasing in the ordinary course of the person's business.

(3) A transaction in which a person acquires a new motor vehicle for rental or leasing in the ordinary course of the person's business.

(d) The rental or leasing of accommodations to a promoter by a political subdivision (including a capital improvement board) or the state fair commission is not exempt from the state gross retail tax, if the rental or leasing of the property by the promoter is exempt under IC 6-2.5-4-4.

(e) This subsection applies only **to aircraft acquired** after June 30, 2008. **Except as provided in subsection (f)**, a transaction in which a person acquires an aircraft for rental or leasing in the ordinary course of the person's business is not exempt from the state gross retail tax unless the person establishes, under guidelines adopted by the department in the manner provided in IC 4-22-2-37.1 for the adoption of emergency rules, that the annual amount of the **gross** lease revenue derived from leasing **or rental of** the aircraft is equal to or greater than

~~(1) ten percent (10%) of the greater of the original cost or the book value of the aircraft, if the original cost of the aircraft was less than one million dollars (\$1,000,000); or~~

~~(2) seven and five-tenths percent (7.5%) of:~~

~~(1) the greater of the original cost or the book value of the aircraft, if the original cost of the aircraft was at least one million dollars (\$1,000,000); as published in the Vref Aircraft Value~~

~~Reference guide for the aircraft; or~~

~~(2) the net acquisition price for the aircraft.~~

However, if a person acquires an aircraft for less than the Vref Aircraft Value reference guide book value, the person may appeal to the department for a lower lease or rental threshold equal to the actual acquisition price paid if the person demonstrates that the transaction was completed in a commercially reasonable manner based on the aircraft's age, condition, and equipment. The department may request that the person submit to the department supporting documents showing that the aircraft is available for general public lease or rental, copies of business and aircraft insurance policies, and any other documents that will assist the department in determining whether an aircraft is exempt from state gross retail tax under this subsection.

(f) The department shall not assess state gross retail or use taxes on an acquisition under subsection (e) if the person does not meet the minimum lease or rental requirements of subsection (e) in a tax year if the person is unable to meet the lease or rental

1 requirements because of:

- 2 (1) economic conditions;
- 3 (2) shortage of key personnel;
- 4 (3) weather;
- 5 (4) the aircraft being out of service for extended maintenance;
- 6 (5) regulatory requirements of the Federal Aviation
- 7 Administration; or
- 8 (6) other conditions acceptable to the department.

9 (g) A person is required to meet the requirements of subsection
10 (e) until the aircraft has generated sales tax on rental or lease
11 income:

- 12 (1) in an amount equal to the amount of the original sales tax
- 13 exemption; or
- 14 (2) for a period of not more than thirteen (13) years.

15 If the aircraft is sold by the person before meeting the
16 requirements of this section and before the sale the aircraft was
17 exempt from gross retail tax under subsection (e), the sale of the
18 aircraft must not result in the assessment or collection of gross
19 retail tax for the period from the date of acquisition of the aircraft
20 by the person to the date of the sale of the aircraft by the person.

21 (h) A person shall remit gross retail tax on taxable lease and
22 rental transactions under subsection (e) regardless of how long the
23 aircraft is leased or rented.

24 (i) This subsection applies only to an aircraft acquired after
25 December 31, 2007. A transaction in which a person acquires an
26 aircraft to rent or lease to another person predominantly for use
27 in public transportation under Federal Aviation Regulation Part
28 135 (14 CFR 135.1 et seq.) by the other person or an affiliate of the
29 other person is exempt from the state gross retail tax. The
30 department may not require a person to meet the revenue
31 thresholds applicable to an exemption under subsection (e) with
32 respect to the person's leasing or rental of the aircraft in order to
33 receive or maintain an exemption under this subsection. In order
34 to maintain an exemption under this subsection, the department
35 may require only that the person submit annual reports showing
36 that the aircraft is predominantly used to provide public
37 transportation under Federal Aviation Regulation Part 135 (14
38 CFR 135.1 et seq.).

(j) The exemptions allowed under subsections (e) and (i) apply regardless of the relationship, if any, between the person or lessor and the lessee or renter of the aircraft.

SECTION 4. IC 6-3.1-31.9-1, AS ADDED BY P.L.223-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "alternative fuel" means:

- (1) methanol, denatured ethanol, and other alcohols;
- (2) mixtures containing eighty-five percent (85%) or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuel;
- (3) natural gas;
- (4) liquefied petroleum gas;
- (5) hydrogen;
- (6) coal-derived liquid fuels;
- (7) non-alcohol fuels derived from biological material;
- (8) P-Series fuels; ~~or~~
- (9) electricity; **or**

(10) biodiesel (as defined in IC 6-3.1-27-1).

SECTION 5. IC 14-8-2-72.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]: **Sec. 72.5. "District forester", for purposes of IC 14-23-10, means an employee of the department who:**

- (1) holds a bachelor of science degree in forest management or a closely related forestry curriculum from a college or university accredited by the Society of American Foresters; and**
- (2) is responsible for the administration of IC 6-1.1-6 within designated counties.**

SECTION 6. IC 14-8-2-266.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]: **Sec. 266.9. "State staffing table", for purposes of IC 14-23-10, means a position classification plan and salary and wage schedule adopted by the state personnel department under IC 4-15-1.8-7.**

SECTION 7. IC 14-23-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2008 (RETROACTIVE)]:

2 **Chapter 10. Compensation of District Foresters**

3 **Sec. 1. This chapter applies only to salaries paid for pay periods**
 4 **beginning after June 30, 2008.**

5 **Sec. 2. For pay periods beginning after June 30, 2008, the state**
 6 **personnel department shall reclassify the job category and skill**
 7 **level of the position of district forester as follows:**

8 **Job Category Executive, Scientific, and Medical (ESM)**

9 **Skill Level 7.**

10 **Sec. 3. The state personnel department shall apply the years of**
 11 **experience accrued by a district forester under the job category**
 12 **and skill level that applied to the district forester before the**
 13 **effective date of the reclassification required by this chapter to the**
 14 **district forester's new classification when computing the salary due**
 15 **to the district forester under the new classification.**

16 **Sec. 4. Notwithstanding the salary and wage schedule applying**
 17 **to a district forester on July 1, 2008, under the state staffing table,**
 18 **a district forester is entitled to back pay in an amount equal to the**
 19 **difference between:**

20 **(1) the amount of salary that would have been paid to the**
 21 **district forester for the period beginning July 1, 2008, and**
 22 **ending June 30, 2009, if the district forester's salary had been**
 23 **computed in accordance with the reclassification of the**
 24 **district forester's job category and skill level required by**
 25 **section 2 of this chapter; minus**

26 **(2) the salary actually paid to the district forester for the**
 27 **period beginning July 1, 2008, and ending June 30, 2009.**

28 **SECTION 8. IC 36-7-22-3, AS AMENDED BY P.L.131-2008,**
 29 **SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 30 **JULY 1, 2009]: Sec. 3. As used in this chapter, "economic**
 31 **improvement project" means the following:**

32 **(1) Planning or managing development or improvement activities.**

33 **(2) Designing, landscaping, beautifying, constructing, or**
 34 **maintaining public areas, public improvements, or public ways**
 35 **(including designing, constructing, or maintaining lighting,**
 36 **infrastructure, utility facilities, improvements, and equipment,**
 37 **water facilities, improvements, and equipment, sewage facilities,**
 38 **improvements, and equipment, streets, or sidewalks for a public**

1 area or public way).

2 (3) Promoting commercial activity or public events.

3 (4) Supporting business recruitment and development.

4 (5) Providing security for public areas.

5 (6) Acquiring, constructing, or maintaining parking facilities.

6 (7) **Developing**, constructing, rehabilitating, or repairing
7 residential property, including improvements related to the
8 **structure and** habitability of the **public and private** residential
9 property.

10 **(8) An economic development facility or redevelopment**
11 **project established under IC 36-7-12, IC 36-7-14, or**
12 **IC 36-7-15.1.**

13 SECTION 9. IC 36-7-22-10 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. **(a)** An ordinance
15 adopted under section 7 of this chapter may provide that businesses
16 established within the district after the creation of the district are
17 exempt from special assessments for a period not to exceed one (1)
18 year.

19 **(b) Property that is:**

20 **(1) located within the district; and**

21 **(2) otherwise exempt from property taxation;**

22 **is not exempt from special assessments unless the property is**
23 **specifically exempted from special assessments in the manner**
24 **provided by this chapter.**

25 SECTION 10. IC 36-7-22-11 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **(a)** An ordinance
27 adopted under section 7 of this chapter must establish an economic
28 improvement board to be appointed by the legislative body. The board
29 must have at least three (3) members, and a majority of the board
30 members must own real property within the district.

31 **(b) The economic improvement board of a district consisting of**
32 **property belonging to only one (1) property owner must include**
33 **the property owner and at least one (1) other member who is**
34 **selected by the property owner.**

35 SECTION 11. IC 36-7-22-12, AS AMENDED BY P.L.131-2008,
36 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2009]: Sec. 12. (a) The board shall use the formula approved
38 by the legislative body under section 7(a)(4) of this chapter to

determine the percentage of benefit to be received by each parcel of real property within the economic improvement district. The board shall apply the percentage determined for each parcel to the total amount that is to be defrayed by special assessment and determine the assessment for each parcel.

(b) Promptly after determining the proposed assessment for each parcel, the board shall mail notice to each owner of property to be assessed. This notice must:

(1) set forth the amount of the proposed assessment;

(2) state that the proposed assessment on each parcel of real property in the economic improvement district is on file and can be seen in the board's office;

(3) state the time and place where written remonstrances against the assessment may be filed;

(4) set forth the time and place where the board will hear any owner of assessed real property who has filed a remonstrance before the hearing date; and

(5) state that the board, after hearing evidence, may increase or decrease, or leave unchanged, the assessment on any parcel.

(c) The notices must be deposited in the mail twenty (20) days before the hearing date. The notices to the owners must be addressed as the names and addresses appear on the tax duplicates and the records of the county auditor.

(d) At the time fixed in the notice, the board shall hear any owner of assessed real property who has filed a written remonstrance before the date of the hearing. The hearing may be continued from time to time as long as is necessary to hear the owners.

(e) The board shall render its decision by increasing, decreasing, or confirming each assessment by setting opposite each name, parcel, and proposed assessment, the amount of the assessment as determined by the board. However, if the total of the assessments exceeds the amount needed, the board shall make a prorated reduction in each assessment.

(f) Except as provided in section 13 of this chapter, the signing of the assessment schedule by a majority of the members of the board and the delivery of the schedule to the county auditor ~~constitutes~~ **constitute** a final and conclusive determination of the benefits that are assessed.

(g) Each economic improvement district assessment is:

(1) included within the definition of property taxation under

1 IC 6-1.1-1-14 for purposes of applying Section 164 of the
2 Internal Revenue Code to the determination of taxable
3 income;

4 (2) collected for the general public welfare; and

5 ~~(2)~~ (3) a lien on the real property that is assessed in the economic
6 improvement district.

7 The general assembly finds that an economic improvement district
8 assessment is a property tax levied for the general public welfare.

9 (h) An economic improvement district assessment paid by a
10 property owner is a property tax for the purposes of applying Section
11 ~~164 of the Internal Revenue Code to the determination of adjusted~~
12 gross income. However, an economic improvement district assessment
13 paid by a property tax owner is not eligible for a credit under IC 6-1.1,
14 IC 6-3.5, or any other law.

15 (i) The board shall certify to the county auditor the schedule of
16 assessments of benefits.

17 SECTION 12. IC 36-7-22-22, AS ADDED BY P.L.131-2008,
18 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2009]: Sec. 22. (a) The board may:

20 (1) exercise of any of the powers of a unit under IC 36-7-12-18 or
21 IC 36-7-12-18.5; or

22 (2) issue revenue bonds;

23 to finance an economic improvement project.

24 (b) Bonds may be issued for an economic improvement project
25 by a commission established under IC 36-7-12, IC 36-7-14, or
26 IC 36-7-15.1.

27 (c) Notwithstanding any other law, a taxing unit that expects to
28 receive an economic benefit from an economic improvement
29 district project under this chapter may pledge special assessments
30 and any legally available funds for the payment of bonds or lease
31 rentals to finance an economic improvement project, an economic
32 development facility, or a redevelopment project established under
33 IC 36-7-12, IC 36-7-14, or IC 36-7-15.1. The pledge does not create
34 a debt of the pledging taxing unit under the Constitution of the
35 State of Indiana.

36 SECTION 13. [EFFECTIVE UPON PASSAGE] (a) As used in this
37 SECTION, "committee" refers to the interim study committee on
38 horse racing established by this SECTION.

1 (b) There is established the interim study committee on horse
2 racing. The committee shall study issues concerning live
3 pari-mutuel horse racing, including the following:

4 (1) The allocation of stalls at racetracks.

5 (2) The distribution of money received by the Indiana horse
6 racing commission.

7 (3) Racing opportunities for Indiana bred horses.

8 (4) Injuries and equine mortality.

9 (5) Drug testing.

10 (6) Breed development.

11 (7) Whether the Indiana horse racing commission should
12 remain an independent agency or be placed within the
13 Indiana state department of agriculture.

14 (8) The allocation of money for purses.

15 (c) The committee shall operate under the policies governing
16 study committees adopted by the legislative council.

17 (d) The affirmative votes of a majority of the voting members
18 appointed to the committee are required for the committee to take
19 action on any measure, including a final report.

20 (e) The committee shall submit a final report of the committee's
21 findings and recommendations to the legislative council in an
22 electronic format under IC 5-14-6 before November 1, 2009.

23 (f) This SECTION expires December 1, 2009.

24 SECTION 14. [EFFECTIVE JANUARY 1, 2009
25 (RETROACTIVE)] (a) IC 4-35-7-12, as amended by this act, applies
26 to:

27 (1) adjusted gross receipts (as defined in IC 4-35-2-2) received
28 by a licensee after December 31, 2008;

29 (2) amounts that are distributed to promote horses and horse
30 racing under IC 4-35-7-12(b)(3) after January 31, 2009; and

31 (3) racing meetings that begin after December 31, 2008.

32 (b) As used in this SECTION, "fund" refers to the breed
33 development fund established for thoroughbreds under
34 IC 4-31-11-10.

35 (c) As used in this SECTION, "licensee" has the meaning set
36 forth in IC 4-35-2-7.

37 (d) Distributions made before May 1, 2009, must be reconciled
38 with the distribution amounts required under IC 4-35-7-12, as

1 amended by this act. A licensee shall supplement each distribution
 2 to the fund under IC 4-35-7-12(d)(1)(B), as amended by this act,
 3 that is made after April 30, 2009, and before November 1, 2010,
 4 with an additional amount that is equal to one-sixth (1/6) of the
 5 difference between:

6 (1) the total amount of distributions to the fund for February,
 7 March, and April 2009 that are required by
 8 IC 4-35-7-12(d)(1)(B), as amended by this act; minus
 9 (2) the total amount of distributions that were actually made
 10 to the fund in February, March, and April 2009.

11 (e) This SECTION expires May 1, 2010.

12 SECTION 15. P.L.131-2008, SECTION 70, IS REPEALED
 13 [EFFECTIVE JULY 1, 2009].

14 SECTION 16. An emergency is declared for this act."

15 Renumber all SECTIONS consecutively.

(Reference is to ESB 448 as printed April 7, 2009.)

and when so amended that said bill do pass.

Representative Crawford